

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

IN RE ATHENEX, INC. SECURITIES  
LITIGATION

This Document Relates to:

All Actions.

No.: 21-cv-00337 (LJV-HKS)

CONSOLIDATED CLASS ACTION

**DEFENDANTS' NOTICE OF MOTION TO DISMISS  
PLAINTIFF'S AMENDED CLASS ACTION COMPLAINT**

Defendants Athenex, Inc. ("Athenex"), Johnson Y.N. Lau, Rudolf Kwan, Timothy Cook, and Jeffrey Yordon (the "Defendants") hereby respectfully move to dismiss Plaintiff's Amended Class Action Complaint ("AC"; Dkt. #56) with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995 ("Reform Act"). The Defendants base this Motion on their Memorandum of Law, Request for Judicial Notice, the Declaration of Douglas Greene and exhibits thereto, and the Reply brief that Defendants intend to file in further support of this Motion; any oral argument held; and all other pleadings and records in this proceeding. The Defendants respectfully request that the Court hear oral argument on this Motion.

Dated: January 25, 2022

Respectfully submitted,

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